

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SHAWN HELD

Plaintiff

v.

BRENTON DAVIS, individually and as
COUNTY EXECUTIVE OF THE COUNTY
OF ERIE and ERIE COUNTY,
PENNSYLVANIA

Defendants

CIVIL ACTION NO.

1:23-cv-319

JURY TRIAL OF 12 DEMANDED

NOTICE OF REMOVAL OF CIVIL ACTION

AND NOW, come the Defendants, Brenton Davis, individually and as County Executive of the County of Erie and Erie County, Pennsylvania, by and through their attorneys, Marshall Dennehey, P.C. and G. Jay Habas, Esquire, and hereby file this Notice of Removal of Civil Action from the Court of Common Pleas of Erie County, Pennsylvania to the United States District Court for the Western District of Pennsylvania, and state as follows:

1. The above-captioned matter was commenced by the filing of a Complaint in the Court of Common Pleas of Erie County, Pennsylvania on October 23, 2023. See Docket, attached hereto as Exhibit A; Complaint, attached hereto as Exhibit B.
2. Plaintiff served the Complaint on the Erie County Solicitor on October 24, 2023.
3. Counsel for Defendants filed their Appearance in the Court of Common Pleas of Erie County, Pennsylvania on or about November 14, 2023. See Appearance, attached hereto as Exhibit C.
4. Plaintiff's Complaint against the Defendants sets forth two causes of action: Violation of the Pennsylvania Whistleblower Law 43 P.S. §1421-1428 (Count I) and First Amendment Retaliation pursuant to 42 U.S.C. §1983 (Count II).

5. This Court has original jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. §§ 1331 and/or 1343, and the action is thereby removable to this Court pursuant to the procedures authorized by 28 U.S.C. §1441(a) and (c).

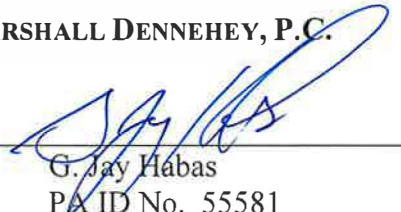
8. Notice of Removal has been provided this same date to the Plaintiff through counsel and the Prothonotary of the Court of Common Pleas of Erie County, Pennsylvania.

WHEREFORE, Defendants, Brenton Davis, individually and as County Executive of the County of Erie and Erie County, Pennsylvania, respectfully request this Honorable Court remove the above-captioned action pending in the Court of Common Pleas of Erie County, Pennsylvania at Docket No. 12511-2023, to the United States District Court for the Western District of Pennsylvania.

Respectfully submitted,

MARSHALL DENNEHEY, P.C.

By



G. Jay Habas

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814-480-7800

Counsel for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Notice of Removal was duly served on all counsel of record and unrepresented parties on the 14th day of November 2023, electronically or by mailing same to them at their designated offices by first class United States mail, postage prepaid.

Timothy D. McNair, Esquire
McNair Law Offices, PLLC
821 State Street
Erie, PA 16501

Court of Common Pleas of Erie County, Pennsylvania
Attn: Prothonotary
140 West Sixth Street
Erie, PA 16501

MARSHALL DENNEHEY, P.C.

By


G. Jay Habas

Attorneys for Defendants